THE HONORABLE BRIAN D. LYNCH 1 **CHAPTER 13 HEARING DATE: August 6, 2019** 2 **HEARING TIME: 1:00 P.M. LOCATION: Vancouver, Washington** 3 **RESPONSE DATE: July 30, 2019** 4 5 6 7 8 9 IN THE UNITED STATES BANKRUPTCY COURT FOR THE 10 WESTERN DISTRICT OF WASHINGTON AT TACOMA 11 12 In re: Case No.: 19-40662-BDL 13 CELENA ANN WILLIAMS, TRUSTEE'S RESPONSE TO DEBTOR'S MOTION TO APPROVE SETTLEMENT & 14 APPROVE DEBTOR(S) EXEMPTION Debtor. 15 16 COMES NOW, Michael G. Malaier, Chapter 13 Standing Trustee, and responds to 17 Debtor's Motion to Approve Settlement & Approve Debtor(s) Exemption ("Motion")(ECF No. 18 30), as follows: 19 **BACKGROUND** 20 Debtor filed this Chapter 13 case on March 7, 2019. The applicable commitment period 21 is sixty months. The case is currently in the fourth month. The bar date for filing non-22 governmental claims was May 16, 2019. Filed unsecured claims total \$23,194.86. Debtor 23 proposes to pay at least \$5,475.00 to allowed nonpriority unsecured claims. 24 25

Michael G. Malaier Chapter 13 Standing Trustee 2122 Commerce Street Tacoma, WA 98402 (253) 572-6600

RESPONSE

Trustee does not generally oppose approval of the proposed settlement; however, the Court previously entered an order holding Debtor's claimed exemption under Wash. Rev. Code § 6.15.010(1)(d)(vi) in abeyance until the personal injury claim was liquidated. ECF No. 28.

Based on the information provided in and with Debtor's Motion, Trustee has now filed a substantive objection to Debtor's claimed exemption. There is no evidence provided that any portion of the proposed settlement proceeds is attributable to actual bodily injury, much less, the entire amount. Based on the letter provided it would appear that the settlement represents pain and suffering and/or actual pecuniary losses, to which the exemption does not apply.

WHEREFORE, Trustee requests that the settlement be approved, but the funds be held by the Trustee pending resolution of Trustee's objection to exemptions.

DATED this 29th day of July, 2019.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for Michael G. Malaier, Chapter 13 Trustee

CERTIFICATE OF MAILING

I certify under penalty of perjury under the laws of the United States that on July 29, 2019, I

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Approve Settlement and Approve Debtor(s) Exemption to the following:

Celena Ann Williams
7129 NE 28th Ave

caused to be mailed via regular mail a true and correct copy of the Trustee's Response to Motion to

The following parties received Trustee's Response to Motion to Approve Settlement and Approve Debtor(s) Exemption via ECF:

Ellen Ann Brown Lance E. Olsen U.S. Trustee

Vancouver WA 98665

Executed at Tacoma, Washington this 29th day of July, 2019.

/s/ Ruth Wilson

Motion Coordinator for Michael G. Malaier, Chapter 13 Trustee

RESPONSE

Michael G. Malaier Chapter 13 Standing Trustee 2122 Commerce Street Tacoma, WA 98402 (253) 572-6600